

## MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL WORKSHOP MEETING HELD ON OCTOBER 25, 2011

The meeting was called to order by Mayor Kula, at approximately 7:00 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Deputy Mayor Miller, Councilman Kievit, Manager Marianne Smith, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau. Councilwoman Hamilton and Councilman Ross were absent from this meeting.

### **DISCUSSION ITEMS:**

- A. Request of Michael Benza on behalf of Eastern Concrete Materials, Inc. relating to hours of operation

Michael Benza of Eastern Concrete Materials, Inc. requested a waiver of hours of operation due to the economy. He requested to begin his operating hours at 5:00 a.m. instead of 6:00 a.m. A motion was made by Kievit and seconded by Miller to grant the waiver through December 31, 2011 conditional upon complaints. The waiver will be reviewed after that date should the waiver need to be extended. All in favor. Motion carried.

- B. Hurricane Irene FEMA Application Update

Township Manager provided the Council with copies of the application for their review.

- C. Tax Sale Update

Township Manager provided the Council with a copy of the results of the Tax Sale for their review. She stated that the total of the sale was \$434,000. She stated that the township has acquired a few of the properties that were not sold at the tax sale and the township is now the lien holder of those properties. She further stated that if the lien is not paid within six months the township would move to start the foreclosure process.

- D. Helipad Project – Southside

Township Manager summarized the pre-application meeting held at the NJDEP on September 6, 2011 regarding the proposed improvements to the Hardyston Township Emergency Helipad Site located off of Route 515 on Newark Watershed property.

- E. Green Acres Acquisition

Township Manager informed the Council that Green Acres is looking to gain acquisition of Block 77, Lot 16Q which is currently owned by Grinnell Holding, Inc.

### **EXECUTIVE SESSION:**

**BE IT RESOLVED** by the Township Council of the Township of Hardyston on the 25<sup>th</sup> day of October, 2011, that:

1. Prior to the conclusion of this **Workshop Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
2.
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.

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- ( ) b. (4) A collective bargaining agreement including negotiations.
- ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
- ( ) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
- ( X ) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
- ( ) b. (8) Personnel matters.
- ( ) b. (9) Deliberations after a public hearing that may result in penalties.

3. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Motion to adopt: Kievit  
Seconded by: Miller

| <b>MOTION</b> | <b>YES</b> | <b>NO</b> | <b>ABSTAIN</b> | <b>ABSENT</b> |
|---------------|------------|-----------|----------------|---------------|
| Ross          | _____      | _____     | _____          | ___x___       |
| Kievit        | ___x___    | _____     | _____          | _____         |
| Kula          | ___x___    | _____     | _____          | _____         |
| Hamilton      | _____      | _____     | _____          | ___x___       |
| Miller        | ___x___    | _____     | _____          | _____         |

Motion carried.

A motion was made by Kievit to come out of Executive Session, seconded by Miller. All in favor. Motion carried.

Township Attorney Fred Semrau stated that after some discussion in Executive Session, under “contract negotiations”, he would like to offer the following resolution to amend the Township Manager’s contract:

**RESOLUTION # 85-11**

**RESOLUTION TO AUTHORIZE AN AMENDMENT  
TO THE MANAGER’S CONTRACT**

**WHEREAS**, the Manager’s Agreement previously called for a specific contribution for medical expenses; and

**WHEREAS**, the State recently enacted Chapter 78 which became effective June 28, 2011 and proves that employees make contributions towards health benefits; and

**WHEREAS**, the State imposed employee contribution, over the course of time, is a greater contribution then as stated in the Manager’s Agreement; and

**WHEREAS**, it is in the best interest of the Township to amend the Manager’s Agreement to require health care contributions in accordance with State law.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey that the Mayor is hereby authorized to sign an amendment to the Manager’s Agreement to reflect a contribution for health care benefits that is in accordance with State guidelines.

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**BE IT FURTHER RESOLVED**, that the Manager's Agreement shall be extended to reflect a term to expire October, 2016.

This Resolution shall take effect immediately.

A motion was made by Kievit to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

A motion was also made by Kievit to authorize the shared service agreement with Sparta Township for CFO services, seconded by Miller. All in favor. Motion carried.

**PUBLIC COMMENT** (in accordance with P.L. 2002, c.80): A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**COUNCIL COMMENTS**: No further comments.

**ADJOURNMENT**: At approximately 7:55 p.m., a motion was made by Kievit to adjourn seconded by Miller. All in favor. Motion carried.

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Jane Bakalarczyk, RMC/CMC  
Municipal Clerk